

United States District Court
Central District of California

KEVIN T. KNOX, individually and on
behalf of all others similarly situated,
Plaintiff,

v.

YINGLI GREEN ENERGY HOLDING
COMPANY LIMITED; LIANSHENG
MIAO; YIYU WANG,
Defendants.

BHIMSAIN MANGLA, individually and
on behalf of all others similarly situated,
Plaintiff,

v.

YINGLI GREEN ENERGY HOLDING
COMPANY LIMITED; LIANSHENG
MIAO; YIYU WANG,
Defendants.

Case № 2:15-cv-04003-ODW(MRWx)
[c/w: 2:15-cv-04600-ODW (MRWx)]

**ORDER ON MOVANT'S MOTION
TO STRIKE [48]**

1 The Court refers to its concurrently-filed Order Consolidating Actions,
2 Appointing Lead Plaintiffs, and Appointing Class Counsel for the background facts of
3 this case. (ECF No. 55.)

4 On August 25, 2015, Movants Noe and Salvador Barocio moved to strike the
5 reply brief submitted by Nicolas Erodiades in support of Erodiades' Motion to
6 Consolidate Actions and Appoint Lead Plaintiff and Class Counsel. (ECF No. 48.)
7 The Barocios argue that the reply brief should be stricken because Erodiades put
8 forward new evidence and arguments in that brief. (*Id.*) Erodiades has not filed an
9 opposition to the Motion to Strike, and thus waives any objection to the relief
10 requested therein. C.D. Cal. L.R. 7-12; *Conservation Force v. Salazar*, 677 F. Supp.
11 2d 1203, 1211 (N.D. Cal. 2009).

12 It appears that Erodiades did indeed make several arguments for the first time in
13 this reply brief, including that the Barocios' newly claimed losses were untimely and
14 that Noe Barocio did not execute the original underlying certification. (ECF No. 41.)
15 However, because the Barocios substantively responded to both of these points in
16 their Motion to Strike, the Court declines to strike Erodiades' reply and will instead
17 consider the Barocios' Motion as a sur-reply to Erodiades' reply. *See Johnson v.*
18 *Wennes*, No. 08CV1798-L(JMA), 2009 WL 1161620, at *2 (S.D. Cal. Apr. 28, 2009)
19 ("[T]he Court may in its discretion allow the filing of a sur-reply.").

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21 **IT IS SO ORDERED.**

22 October 6, 2015

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26 **OTIS D. WRIGHT, II**
27 **UNITED STATES DISTRICT JUDGE**
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